UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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May 30, 2014

Mr. Brandon Bruner, P.E.
District Environmental Management Engineer
Florida Department of Transportation, District Three
Post Office Box 607
Chipley, Florida 32428

SUBJECT: Draft Environmental Impact Statement for the Gulf Coast Parkway From US 98 in Gulf County to US 231 and US 98 (Tyndall Parkway) in Bay County, Bay and Gulf Counties, Florida
CEQ No. 20140073

Dear Mr. Bruner:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Impact Statement (EIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA) propose to construct a new four-lane divided, controlled-access, arterial highway approximately 30 miles in length. The proposed new road would provide a new high-level bridge across the Gulf Intracoastal Waterway (ICWW) to connect US 98 in Gulf County, Florida with US 231 and US 98 (Tyndall Parkway) in Bay County, Florida.

The EPA has been involved in the proposed project since 2005 with review of the project during Advanced Notification and scoping of the Project Development and Environment (PD&E) Study. EPA reviewed the project under FDOT's Efficient Transportation Decision Making (ETDM) Process at the programming screen phase in 2006 and again in 2007. The identification of build alternatives was an iterative process which went through a series of alternative alignment and corridor analyses. Throughout the process, resource agencies were involved in evaluating build alternatives and various agencies, including EPA, recommended that additional alternative corridors be evaluated for further study. Based on the first programming screen review and additional comments received from resource agencies, the second programming screen review in 2007 included a revised set of viable corridors/alignments. The alternative corridor that EPA provided was carried forward into the 2007 programming screen review and the Draft EIS (Alternative 17). EPA was also involved as a member of the Gulf Coast Parkway Cumulative Impacts Workgroup which assisted in the development of the Indirect and Cumulative Effect Analysis Report for the project.

The FDOT and the FHWA determined that an EIS would be prepared for the project. The Draft EIS includes five Build Alternatives and the No Build Alternative which does not meet the purpose and need but provides a baseline to compare and measure the effects of the Build Alternatives.

The EPA has rated the Draft EIS as 'Environmental Concerns' (EC-1) indicating that the review has identified potential environmental impacts from all five build alternatives that should be avoided and minimized. The review has disclosed the opportunity for possible avoidance, minimization and mitigation measures that might require potential changes to the proposed action as the project proceeds. The rating of '1' indicates that the information presented in the Draft EIS is adequate and that no additional analysis or data is necessary; however, EPA is asking for clarifying language or information. EPA has substantial concerns with respect to wetland and stream impacts and appropriate avoidance and minimization measures and compensatory mitigation. In addition, EPA has environmental concerns for impacts to: water quality, threatened and endangered species, wildlife habitat fragmentation, and essential fish habitat. EPA is including comments on those environmental issues as well as environmental justice, floodplains and indirect and cumulative impacts (See attachment for comments).

The EPA requests that the comments in the attachment be addressed in a Final EIS. The preferred alternative should also be identified in the Final EIS, along with mitigation details to address the potential impacts of the preferred alternative. EPA recommends that FDOT consider stringent Best Management Practices (BMPs) and other enhanced environmental stewardship measures to mitigate for the proposed project's substantial natural resource impacts. A monitoring plan should be developed to ensure their effectiveness. FDOT should also consider other reasonable measures to reduce any long-term socioeconomic impacts from the proposed roadway corridor.

Thank you for the opportunity to review the proposed action and comment on this Draft EIS. If you have any questions or would like to discuss the EPA's comments, please contact Madolyn Dominy at (404)562-9644.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office

Attachment

cc: Federal Highway Administration – Florida Division
U.S. Army Corps of Engineers – Jacksonville District
U.S. Fish and Wildlife Service – Panama City Office
National Marine Fisheries Service – Southeast Regional Office
Florida Department of Environmental Protection
Florida Fish and Wildlife Conservation Commission

EPA Region 4 Comments
Gulf Coast Parkway
Draft Environmental Impact Statement (Draft EIS)
CEQ No. 20140073

The Gulf Coast Parkway project is proposed to enhance economic development in Gulf County, improve mobility within the regional transportation network, improve security of the Tyndall Air Force Base, and to improve hurricane evacuation for residents of coastal Gulf County and southeastern Bay County. The logical termini for the proposed project extend from US 98 and CR386 in Gulf County to US 231 in Bay County.

EPA understands that sustainable growth and proper land use planning is critical to economic growth, developing healthy communities, and protecting the environment all at the same time. It also recognizes that the primary responsibility for land use decisions is at the local level. Therefore, suggestions and recommendations are offered that should assist state agencies, federal agencies, and communities to balance the transportation needs with the project impacts to reach a sound final decision.

Overall, the Draft EIS is well written and includes well-documented analysis and presentation of the human and environmental impacts associated with the Gulf Coast Parkway project. Based on its review, EPA offers the following comments and recommendations on issues associated with the project's impact to resources:

Dispute Resolution

During review of the project at the programming screen phase, resource agencies identified issues of Dispute Resolution. These include: Coastal and Marine, Indirect and Cumulative Effects, Wetlands, and Wildlife and Habitat. As part of the Dispute Resolution process, Issue Action Plans were developed in coordination with those agencies that identified dispute resolution issues. Studies were conducted based upon the Issue Action Plans and draft reports were reviewed and commented upon by the resource agencies. This information is included in the Appendix to the Draft EIS.

The Draft EIS states that "Because resolution of agency concerns cannot be fully addressed until a preferred alternative is identified, impacts are refined, and the details of the mitigation measures worked out, the Dispute Resolution process will not be completed until the conclusion of the PD&E study." It also states that not all agency concerns will be achieved with the completion of the Draft EIS, but that FDOT will continue to coordinate and consult with resource agencies to provide reasonable assurance that agency concerns will be addressed. Some issues that are controversial and have yet to be resolved include project-induced growth and development as a result of the project and the selection of the recommended or preferred alternative. Much of the project area is in large land-holdings near the coast, so there is concern that the proposed project would induce growth and development of these lands. There is also concern over the selection of a preferred alternative. This project encompasses two counties

(Bay and Gulf) and residents and officials of Bay County favor Alternatives 17 and 19, while Gulf County residents and officials tend to favor Alternative 15 or a hybrid of Alternatives 8 and 15.

EPA recommends that FDOT have continuous coordination and consultation with resource agencies to adequately resolve Dispute Resolution issues with favorable outcome for protection of human and natural resources. EPA continues to have concerns regarding induced growth and development as a result of the proposed project and the Draft EIS states that the resolution of anticipated population projects and future development identified throughout the EIS process may not be achieved to the satisfaction of resource agencies.

The preferred alternative should be identified in the Final EIS, along with mitigation details to address the potential impacts of the preferred alternative. The Draft EIS includes FDOT's approach to identifying a recommended alternative in Section 2 of the report. FDOT presents a comparison of alternatives and how each alternative meets the project's purpose and needs, its involvement with environmental impacts, its cost, and public preferences. FDOT must demonstrate that the selected preferred alternative is the least environmentally-damaging practicable alternative (LEDPA) that will fulfill the basic project purpose (See Wetlands comments).

Wetlands

In order to meet the requirements of the Clean Water Act Section 404(b)(1) Guidelines, FDOT must demonstrate that the discharge of dredged or fill materials into jurisdictional waters of the United States is unavoidable and that the least environmentally-damaging practicable alternative (LEDPA) that will fulfill the basic project purpose has been selected. The Final EIS must document that the selected preferred alternative is the LEDPA.

Direct impacts to wetlands and surface waters (creeks, streams, ditches) will occur as a result of roadway construction activities with all of the Build Alternatives since a significant amount of each alternative involves new alignment. The proposed roadway has the potential for substantial direct and indirect effects to a significant amount of high quality fish and wildlife habitat; could result in significant regional habitat fragmentation and isolation; and could adversely affect water quality and sedimentation in a several streams and creeks. There will also be indirect wetland effects from future development, changes in land use, and changes in population behaviors which have the potential to affect natural resources.

The majority of wetlands associated with the Gulf Coast Parkway study area is grouped into two primary community types: hydric pine plantation and mixed forested wetland. The most abundant wetland community type encountered is hydric pine plantations, comprising approximately 60% of the wetlands encountered. The study area also contains areas of scrubby flatwoods and sandhill communities interspersed with wet flatwoods, titi drains, basin swamps, and cypress wetlands among other habitat types. Numerous streams and creeks and tributaries occur in the regional area. The project has the potential to involve between five named stream and creek crossings (Alternatives 17 and 19) and 17 named stream and creek crossings (Alternatives 14 and 15). Alternative 8 involves 13 named stream and creek crossings. All of

the roadway alignments will require a high-level bridge crossing at either the ICWW and East Bay (Alternatives 17 and 19) or the ICWW and Wetappo Creek (Alternatives 8, 14, and 15).

The Draft EIS documents wetlands acreage that is directly impacted by the alignments under consideration. Table 4-34 (pg. 4-94) compares the total wetlands impacts of each of the Build Alternatives in a tabular format. The table also shows impacts for each Build Alternative by the type and quality of wetlands being affected. Direct wetland dredge/fill impacts of the five Build Alternatives range from Alternative 19 with 575 acres of wetland impacts to Alternative 8 with 339 acres. Additional indirect and induced wetland impacts can be expected with any of the five Build Alternatives as a result of future development. Potential indirect and induced (cumulative) impacts associated with the project alternatives are discussed in Section 4.3.20 of the Draft EIS.

The Draft EIS also includes information regarding the estimated Uniform Mitigation Assessment Methodology (UMAM) scores for each of the Build Alternatives. The State of Florida utilizes the UMAM to determine the amount of mitigation required to offset wetland and surface water impacts. USACE accepts UMAM as a suitable qualitative wetland assessment methodology. A comparison of the UMAM Functional Loss for the Build Alternatives is illustrated in Table 4-36 (pg. 4-97). The functional loss scores tend to correspond with the direct wetland impact acreage. For example, Alternative 19 has the highest wetland impact and also the highest functional loss score (348.7), while Alternative 8 has the lowest wetland impact and also the lowest functional loss score (203.1). Alternatives 14, 15, and 17 had functional loss scores of 302.5, 299.2, and 267.8, respectively.

The U.S. Army Corps of Engineers (USACE) and the Northwest Florida Water Management District (NWFWMD) will claim jurisdiction over most of the identified wetlands. As a result, a jurisdictional determination for wetlands will be needed during the project design phase. An individual Clean Water Act Section 404 permit will be required from the USACE, along with an Environmental Resource Permit required from the NWFWMD. EPA reviews and comments on individual Clean Water Act Section 404 permits.

The Draft EIS does not contain specific mitigation commitments. The Draft EIS states that specific details such as location of mitigation site, type, size, and management requirements have yet to be determined. Compensatory mitigation for this project will be completed through the use of mitigation banks and any other mitigation options that satisfy state and federal requirements. The report says that at a conceptual mitigation level, all alternatives for the Gulf Coast Parkway project have an acceptable and available means for mitigating their wetlands impacts. After identification of a recommended alternative, coordination will be conducted with the resource agencies to identify more specific details for the mitigation plan. The Final EIS should include avoidance and minimization measures, as well as compensatory mitigation plans for unavoidable impacts to jurisdictional wetlands.

The Gulf Coast Parkway project has a high potential for landscape level impacts, including direct, indirect, and cumulative effects to upland and wetland habitat systems. EPA requests that a plan for avoidance, minimization, and mitigation of project effects be developed. All five Build Alternatives result in wetlands and wildlife and habitat resource impacts.

A comparison of habitat quality, value, and functional benefit that these habitat components contribute within the affected areas should be used to base the selection of the Preferred Alternative. Furthermore, EPA recommends that any required wetlands mitigation be located proximal to the impact zones rather than several miles away at approved regional wetland mitigation banks. The Final EIS should include more detailed information regarding a wetlands mitigation plan.

EPA is particularly concerned that the proposed project has the potential to split large wetland systems and cause a disruption of flow, nutrients and wildlife. EPA recommends that FDOT consider reducing the level of wetland impacts by constructing bridges over the larger wetland systems, especially the high quality wetlands and ecosystems.

Environmental Justice

The Draft EIS evaluated demographic characteristics for Gulf, Bay and Calhoun counties using 2010 Census data. EPA notes that it also included both a description of the methodologies used to identify areas with high concentrations of minorities and low-income populations and environmental justice maps. The minority population among communities varied within the counties and areas such as Springfield (34.0%) and Callaway (28.9%). Gulf County (18.7%), Port St. Joe (25.8%), Panama City (22.0%), and Springfield (23.8%) have a larger African American percentage than the State (16%) while Callaway (4.1%) and Springfield (3.8%) have an Asian population one and half times the state percentage (2.4%). In addition, relatively high low-income percentages were shown in three block groups within the study area (pg. 4-12).

While minority and low-income populations exist within the project boundary, the proposed alignments primarily traverse rural areas. Nevertheless, the Final EIS should discuss efforts made to engage residents along the proposed alignments that reside within high minority and/or low-income areas, summarize any potential environmental justice comments, and provide a responsiveness summary. In addition, separation of neighborhoods or communities along existing routes utilized by the proposed alignments would increase. This impact can be partially offset by the provision of crosswalks and signalization. EPA recommends that every effort be made to further ensure pedestrian and cyclist safety (i.e., dedicated bicycle and/or pedestrian paths), where applicable. EPA also notes that up to 29 relocations will occur as a result of the project, yet is not clear to what extent the relocations will affect low-income and/or minority populations. This information should be provided or referenced in the Environmental Justice section of the Final EIS, if available.

Water Resources

The project has the potential to involve between five named stream and creek crossing (Alternatives 17 and 19) and 17 named stream and creek crossings (Alternatives 14 and 15). Alternative 8 involves 13 named stream and creek crossings. All of the roadway alignments will require a high-level bridge crossing at either the ICWW and East Bay (Alternatives 17 and 19) or the ICWW and Wetappo Creek (Alternatives 8, 14, and 15). Table 4-42 (pg. 4-114) summarizes the proposed crossings of named surface water by the alternatives and what type of structure is

proposed (bridge versus culvert). Table 4-43 (pg. 4-115) provides the total number of bridges and culverts required for each alternative and the approximate total length of bridges.

The Draft EIS identifies several water bodies within the study area as being impaired based on the EPA Clean Water Action Section 303(d) list of verified impaired waters. The current verified impaired waterbody segments for the study area are shown on Figure 4-27 (pg. 4-117). Table 4-44 (pg. 4-118) identifies the potentially affected Water Body Identifications (WBIDs) by name, lists the parameter(s) for which each has been identified as impaired, associates each alternative with the affected WBID, and identifies the area of involvement. Alternatives 17 and 19 have the least total involvement with impaired waters, while Alternative 15 has the most total involvement.

All of the project alternatives cross surface water features which appear on the 303(d) list. Federal regulations prohibit discharges that cause or contribute to significant degradation of waters of the United States. Significant degradation can include individual or cumulative impacts to human health and welfare; fish and wildlife; ecosystem diversity, productivity, and stability; and recreational, aesthetic, or economic values.

EPA encourages FHWA and FDOT to consult with the FDEP and the NWFWMD regarding the status of development of Total Maximum Daily Loads (TMDLs) for impaired waterbodies and how the proposed new roadway could affect implementation or restoration efforts in these basins. Although many of the TMDL studies for affected waterbodies may not have been initiated, they will most likely be finalized before construction of the project. The proposed project could have an impact on the future ability of delisting waterbodies from Florida's 303(d) list. Therefore, there should be a commitment in the Final EIS to work with FDEP as part of the TMDL development to ensure that all construction activities and contaminants of concern are included in future TMDLs.

The Draft EIS states that potential effects from construction activities on water quality will be in accordance with FDOT's most current edition of *Standard Specifications for Road and Bridge Construction* and through the use of BMPs. EPA recommends that the Final EIS include specific BMPs to be applied to attain appropriate reductions in sediment loads and what additional monitoring will be conducted to achieve pollutant reductions. Mitigation measures related to protection of water quality should be tailored depending on the condition of the specific water resource as well as the severity of the potential impacts. All appropriate steps should be taken to address potential impacts to water quality within streams and wetlands. Proper control of stormwater runoff during construction will be critical. Construction activities have the potential to introduce sediments in adjacent waterbodies that could exacerbate problems relative to increasing sediment oxygen demand which affects dissolved oxygen levels. Monitoring commitments should be included to ensure that water quality and in-stream habitat are fully protected. One of the challenges for the reduction of sediment loading from construction sites is effective compliance monitoring of all requirements specified in the permit and timely enforcement against construction sites not found to be in compliance with the permit. Stormwater controls should be monitored periodically for the duration of construction and maintained to help ensure success (e.g., silt fences emptied and hay bales replaced).

To further assist in the long-term reduction of pollutant loadings to impaired surface water resources in the project area, EPA recommends that all storm water runoff from the proposed roadway be collected and treated before being discharged to surface waters. In other areas, typical BMPs, including the use of staked hay bales, silt fences, mulching and reseeding, and use of buffer zones along water bodies, are appropriate. These commitments should be included in the Final EIS and Record of Decision.

EPA recommends careful consideration of all water quality impacts, including whether the preferred alignment has first avoided, then minimized impacts to water quality, and then whether there are feasible mitigation measures that will be utilized to rectify any unavoidable impacts to affected waterbodies. The Final EIS should identify whether the preferred alternative with its associated alignment, is the LEDPA that satisfies the Purpose and Need per Clean Water Act Section 404(b)(1) Guidelines (Title 40 of the Code of Federal Regulation, Section 230).

Wildlife and Habitat

EPA recognizes that the project has the potential to affect wildlife habitat and protected and/or endangered species. The Draft EIS provides information regarding the types and locations of wildlife and habitat that could be impacted by the project alternatives. In addition, the Draft EIS listed the wildlife species potentially occurring within the Build Alternatives. EPA defers to U.S. Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FFWCC), and other wildlife resource agencies involved in wildlife habitat regulatory and management issues and in the Endangered Species Act Section (7) consultation process to consider and to address those potential adverse effects associated with the proposed project.

The Draft EIS states that an Endangered Species Biological Assessment Report (ESBAR) has been completed for the Gulf Coast Parkway project consistent with the Wildlife and Habitat Action Plan. The ESBAR has addressed the Migratory Bird Treaty Act, the Marine Mammals Protection Act, and the Fish and Wildlife Conservation Act. In conducting this assessment, consultation with the USFWS and FFWCC was initiated. If it becomes necessary, formal consultation under Section 7 of the Endangered Species Act will be conducted. EPA recommends that FHWA and FDOT continue coordination with the appropriate resource agencies. The Final EIS should describe how the preferred alternative avoids, minimizes, or mitigates potential impacts to wildlife habitat and species.

Essential Fish Habitat

EPA recognizes that the project has the potential to affect fish and aquatic resources. The Draft EIS provides information regarding managed fish species and their potential to occur within the project study area. EPA defers to the National Marine Fisheries Service (NMFS) involved in the process of making determinations regarding essential fish habitat (EFH) to consider and to address those potential adverse effects associated with the proposed project.

The Draft EIS states that an *Essential Fish Habitat Assessment Report* has been prepared and consultation has been completed in accordance with the Manguson-Stevens Fishery

Conservation and Management Act. The EFH Assessment determined that the Build Alternatives would have involvement with EFH and that there is potential for adverse effects to EFH. All of the Build Alternatives surveyed appear to have some potential direct and indirect effects on EFH (emergent marsh, bivalves, or marine benthic sediments). Coordination is ongoing. EPA recommends that FHWA and FDOT continue coordination with the NMFS regarding the project and measures to avoid or minimize the effects to aquatic resources. The Final EIS should describe how the preferred alternative avoids, minimizes, or mitigates potential impacts to essential fish habitat.

Floodplains

EPA recognizes that the project has the potential to have floodplain impacts within or adjacent to the limits of the proposed right-of-way for the Build Alternatives. All of the Build Alternatives have transverse crossings of the floodplain. All of the Build Alternatives cross various waterways, including the ICWW. There are FEMA-mapped floodplains, and unmapped floodplains associated with small hydraulic crossings. Two longitudinal encroachments (Tributary of Callaway Creek and Tributary of Sandy Creek) were identified within the project area and the Draft EIS states that it is proposed that bridges will be used to span the encroachments. Table 4-49 (pg. 4-128) lists the longitudinal encroachments associated with the roadway alternatives.

The estimated number of transverse and longitudinal encroachments varies from 21 for Alternative 17 to 53 encroachments for Alternatives 14 and 15. Alternatives 8 and 19 have 42 and 31 encroachments, respectively.

Along the project, parts of Bayou George Creek and Callaway Creek are designated FEMA regulated floodways. Some of the proposed alignments are near Bayou George Creek floodway but never cross it. A small portion of the project crosses the Callaway Creek floodway. The Draft EIS states that the detailed hydraulics for this crossing will be evaluated during the design phase when topographic survey is obtained and that FEMA No-Rise procedures will be followed to ensure that no water surface increase is created by the proposed bridge and embankment.

This project has the potential to cause changes in flood stage and flood limits. The Draft EIS states that FDOT's drainage standards will be followed and the proposed hydraulic structures and overall roadway drainage features will be designed to cause minimal if any changes to flood stages and flood limits in upstream and downstream properties and to maintain the existing drainage patterns to the fullest extent practicable. EPA supports the elevating or bridging of structures for waterway crossings for all 100-year floodplains. This would be consistent with necessary measures to protect the sensitive aquatic species and their habitat in those waterbodies.

EPA is concerned that the construction of this project could encourage development within and along the project corridor. Development typically occurs near interchanges along a controlled-access roadway. EPA recommends that the Final EIS include information regarding floodplains associated with the preferred alternative and what type of additional avoidance or

minimization efforts will be needed to meet regulatory floodplain standards. The Final EIS should also include mitigation commitments for unavoidable floodplain impacts.

Indirect and Cumulative Impacts

The indirect effects of a project on land use and the subsequent environmental effects can be both temporally and geographically more extensive than the direct impacts of transportation projects. The analysis of these changes and the subsequent environment impacts is important to understand the total impact of the federal action on the natural, cultural and socioeconomic environment. Consideration of indirect and cumulative impacts requires the assessment of an area's ability to absorb additional development, the loss of businesses or residences, or if the watershed can absorb the loss of additional wetlands.

FDOT and FHWA developed the *Gulf Coast Parkway Indirect and Cumulative Effects Report* in coordination with several ETAT resource agencies. The Gulf Coast Parkway Cumulative Impacts Workgroup participated in the development of the indirect and cumulative effects analysis methodology, the delineation of potentially affected resource area (PARA) boundaries, the identification of resources of potential significance to be analyzed, the time frame for the analysis of each resource, and provided data needs, as applicable. The Workgroup was closely involved throughout the development of the *Gulf Coast Parkway Indirect and Cumulative Effects Report*. Several workgroup meetings were held with ETAT members, FDOT, FWHA, and consultants present. The ETAT members provided review and comment on all phases of the report as it was developed. EPA was a member of the Workgroup and was involved from conception to completion of the indirect and cumulative impacts analysis and report.

EPA recognizes that all of the Build Alternatives will result in cumulative effects on resources. The project is a new alignment traversing primarily rural, undeveloped land. Construction of this roadway will likely lead to induced development. There are remaining Dispute Resolution issues regarding anticipated indirect and cumulative effects. EPA recommends that the Issue Action Plans be utilized to achieve resolution of remaining controversial issues, including indirect and cumulative effects.

Land use planning measures, including access control, land conservation, and/or land acquisition, could be put into place for all of the Build Alternatives which would serve to minimize the potential negative environmental impacts resulting from land use changes in the project area. Limiting the number of interchanges along a roadway corridor will considerably minimize induced development. Additional avoidance, minimization and mitigation measures should be utilized to help reduce indirect and cumulative effects. In addition, since there are important existing natural resources, such as high quality wetlands or wildlife habitat, in the vicinity of the alternatives, these areas should be considered for potential acquisition as mitigation sites, if feasible. Other mitigation for indirect water quality impacts might include opportunities to expand riparian buffers adjacent to impacted streams and rivers in the project vicinity.

A critical aspect of the Final EIS will be to provide the local communities with a better understanding of the land use implications that will be expected from implementation of the project. With this information, these communities can develop future land use plans and potential zoning regulations that could be enacted in concert with development of the transportation infrastructure. All factors, including direct, indirect and cumulative effects, must be evaluated and considered when determining the least environmentally-damaging practicable alternative that will fulfill the project purpose and need.

U.S. ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL IMPACT STATEMENT (EIS) RATING SYSTEM CRITERIA

EPA has developed a set of criteria for rating Draft EISs. The rating system provides a basis upon which EPA makes recommendations to the lead agency for improving the draft.

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

$ LO (Lack of Objections): The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.

$ EC (Environmental Concerns): The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.

$ EO (Environmental Objections): The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental objections can include situations:

1. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;
2. Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;
3. Where there is a violation of an EPA policy declaration;
4. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or
5. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.

$ EU (Environmentally Unsatisfactory): The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:

1. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;
2. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or
3. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

RATING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

$ 1 (Adequate): The Draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

$ 2 (Insufficient Information): The Draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the Draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the Final EIS.

$ 3 (Inadequate): The Draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the Draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the Draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised Draft EIS.